

Authorizing The Chairman Of The Ulster County Legislature To Convey A Confirmatory, Quitclaim Deed To A Party Who Purchased Real Property Which Was Formerly County-Owned - Department Of Finance, Division Of Real Property Tax Service

Referred to: The Ways and Means Committee (Chairman Gerentine and Legislators Bartels, Belfiglio, Briggs, Maio, Maloney, Provenzano, and Rodriguez)

Chairman of the Ways and Means Committee, Richard A. Gerentine, and Deputy Chairman Tracey A. Bartels offer the following:

WHEREAS, this resolution has been submitted by the County Executive on behalf of the Department of Finance, Division of Real Property Tax Service; and

WHEREAS, Edward N. Fitzgerald, Jr. and James Minard acquired parcel # 90 of the 1990 Public Auction, listed as 19.10 acres, vacant land, in the Town of New Paltz, section, block and lot numbers 86.3-1-24, by a Tax Sale, Quitclaim Deed, dated June 26, 1990, from the County of Ulster in consideration of Fourteen Thousand Three Hundred Dollars (\$14,300.00); and

WHEREAS, thereafter Peter Ferrante, Robert Ferrante, Sande Ferrante, and Timothy Ferrante acquired tax map parcel number 86.3-1-24, listed as 19.10 acres, vacant land, in the Town of New Paltz, by Quitclaim Deed, dated August 6, 1990, from Edward N. Fitzgerald, Jr. and James Minard in consideration of Ten Thousand Three Hundred Dollars (\$10,300.00); and

WHEREAS, the Town of New Paltz tax map was created in the mid-1980s, which resulted in a parcel of real property being mapped as tax map parcel number 86.3-1-24, and the owner of tax map parcel number 86.3-1-24, for reasons not known, was designated as “unknown” rather than the County of Ulster; and

WHEREAS, at the time the parcel was transferred to Edward N. Fitzgerald, Jr. and James Minard, the County of Ulster was, in fact, the owner of the parcel referenced herein and above, as opposed to the then erroneously designated “unknown” owner, no taxes were due, and procedurally the County could not and should not have divested itself of its interest in the property through a tax sale; and

WHEREAS, Peter Ferrante, Robert Ferrante, Sande Ferrante, and Timothy Ferrante are seeking to convey a conservation easement to the Open Space Institute Land Trust, Inc. on tax map parcel number 86.3-1-24; and

Resolution No. 220 June 17, 2014

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WHEREAS, Peter Ferrante, Robert Ferrante, Sande Ferrante, and Timothy Ferrante are not able to convey a clear and marketable title to the Open Space Institute Land Trust, Inc. due to a defect in the title; and

WHEREAS, the County of Ulster, in light of the County's error regarding the original conveyance by the County in 1990, in the interests of equity, fairness, and good faith has determined that a confirmatory, quitclaim deed should be issued to Peter Ferrante, Robert Ferrante, Sande Ferrante, and Timothy Ferrante from the County of Ulster; and

WHEREAS, this conveyance constitutes a Type II action under section 2.26 of the County of Ulster's State Environmental Quality Review Act (hereinafter referred to as "SEQRA") Type II List that was adopted in Resolution No. 118 on April 20, 2010; and

WHEREAS, as per section 1 of the County's Type II List, this action does not pose a significant potential environmental impact and may be progressed as a Type II action in accordance with 6 NYCRR Part 617 of SEQRA; now, therefore, be it

RESOLVED, that the Ulster County Legislature hereby finds and determines that the property described herein and which is intended to be conveyed herein is appropriate for conveyance to Peter Ferrante, Robert Ferrante, Sande Ferrante, and Timothy Ferrante in the interests of equity, fairness, and good faith; and, be it further

RESOLVED, that the deed to the property be prepared as follows:

GRANTOR	GRANTEE	DEED TO
County of Ulster Tax Map Parcel #: 86.3-1-24	Peter Ferrante, Robert Ferrante, Sande Ferrante, and Timothy Ferrante	Peter Ferrante, Robert Ferrante, Sande Ferrante, and Timothy Ferrante 15 Route 299 West New Paltz, New York 12561

and, be it further

Resolution No. 220 June 17, 2014

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RESOLVED, that the Chairman of the Ulster County Legislature is authorized and directed to make, execute and deliver to said party, a Confirmatory, Quitclaim Deed conveying the interest of the County in said Parcel, which Confirmatory, Quitclaim Deed shall contain the covenant that the said County of Ulster shall in no event be or become liable for any defects in title conveyed for any cause whatsoever, and that no claim or demand of any nature shall ever be made against the County of Ulster arising from such sale, conveyance or the proceedings leading thereto; and, be it further

RESOLVED, that such conveyance is subject to acceptance and execution by Peter Ferrante, Robert Ferrante, Sande Ferrante, and Timothy Ferrante of a conveyance and indemnification agreement,

and move its adoption.

ADOPTION BY THE FOLLOWING VOTE:

AYES: 22 NOES: 0
(Absent: Legislator Roberts)

Passed Committee: Ways and Means on June 11, 2014

FINANCIAL IMPACT:
NONE

Resolution No. 220 June 17, 2014

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STATE OF NEW YORK

ss:

COUNTY OF ULSTER

This is to certify that I, the undersigned Clerk of the Legislature of the County of Ulster have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 17th Day of June, 2014, and that the same is a true and correct transcript of said resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 20th Day of June in the year Two Thousand and Fourteen.

|s| Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

Submitted to the County Executive this
20th Day of June, 2014.

|s| Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

Approved by the County Executive this
20th Day of June, 2014.

Michael P. Hein, County Executive